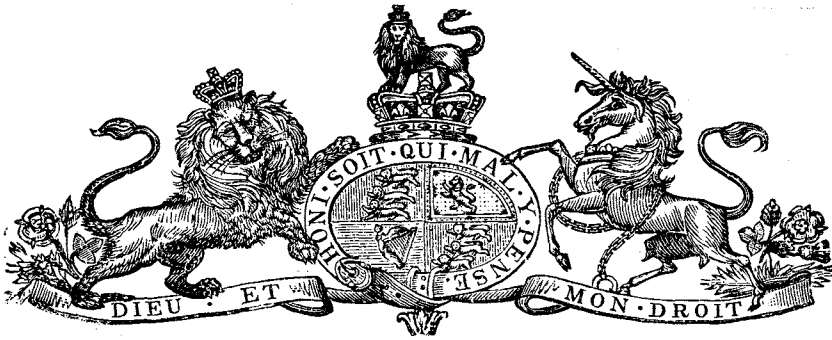


T A S M A N I A.



1898.

ANNO SEXAGESIMO-SECUNDO

VICTORIÆ REGINÆ,

No. 64.

AN ACT to secure and maintain a Supply A.D. 1898.
of pure Water for the Towns of *Westbury*
and *Hagley*, and for the benefit of the
Inhabitants thereof.

BE it enacted by His Excellency the Governor of *Tasmania*, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

Short Title.

1 This Act may be cited for all purposes as “The *Westbury* and *Hagley* Water Act, 1898.”

Preliminary.

2 In the construction and for the purposes of this Act, and of all Interpretation, proceedings under this Act, or under any Rules in force or made or By-laws to be made under this Act, unless the context otherwise determines—

“Water District” means “The *Westbury* and *Hagley* Water District” as described and set forth in the Schedule (I.) hereto :

“Trustees” means the Municipal Council of *Westbury* :

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“Landholder” extends to and includes the owner or occupier of any property situate within the Water District whose name appears on the Assessment Roll :

“Chairman” shall mean the Warden of *Westbury* :

“Assessment Roll” means so much of the Assessment Roll made by the Municipal Council of *Westbury* as comprises the properties situate in the Water District :

“Property” means lands and buildings :

“Rate” means a Rate duly made under and for the purposes of this Act :

“Waterworks” extends to and includes all reservoirs, wells, cisterns, tanks, aqueducts, water-courses, water-races, tunnels, feeders, drains, channels, cuts, flood-gates, sluices, conduits, filters, troughs, dams, weirs, embankments, pumps, culverts, pipes, pipe-breaks, engines, turbines, boilers, buildings, and other works of what kind soever, which are from time to time necessary or used for effecting the purposes of this Act, or under the authority of this Act :

“Street” extends to and includes any public and common highway, road, main road, lane, footway, bridge, square, court, passage, alley, thoroughfare, and public way and place :

“Person” includes corporation.

Municipal
Council to be
Trustees.

3 The Municipal Council of *Westbury* shall be the Trustees of the *Westbury and Hagley Water District* for the purposes of this Act.

Orders and
proceedings of
Trustees to be
recorded.

4 All orders and proceedings of the Trustees, together with the names of the Trustees present at every meeting, shall be entered in a book to be kept by the Trustees for that purpose, and be signed by the Chairman of the meeting at which such orders or proceedings are from time to time confirmed; and such orders and proceedings so entered and signed by the Chairman of such meeting shall be deemed to be original orders and proceedings.

Landholder may
inspect Minutes.

5 Any landholder shall be at liberty at all reasonable times, on payment of the sum of One Shilling, to inspect the Minute Book of the Trustees.

Powers of Trustees to divert and use Water.

Trustees
empowered to
divert water of
Meander and
erect waterworks.

6 Subject to the provisions herein contained, the Trustees are hereby empowered and authorised from time to time to take, divert, and appropriate such quantity of the waters of the *Meander* River and other rivulets and streams as shall be required by the Trustees for any of the purposes herein mentioned, and from time to time to enter upon the said river, rivulets, and streams, and upon the banks and beds thereof, and to construct and erect on and in any portion of the banks and beds of the said river, rivulets, and streams such works as shall be necessary for the purposes of such taking, and diversion, and appropriation of so much of the said water of the said river, rivulets, and streams as aforesaid.

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- 7** It shall be lawful for the Trustees to use all or any portion of such water as aforesaid for any of the purposes hereinafter specified; viz.— A.D. 1898.
- i. To supply the inhabitants of the Water District and the contiguous Districts with water for domestic and manufacturing purposes, and for motive power, and for irrigation. Purposes for which water so taken may be used.
 - ii. To supply any Railway Company, Tramway Company, or the Government Railways, or any person, with water for motive power or otherwise.
 - iii. To work any machinery that may be acquired or erected by the Trustees or any other corporate body or person.
 - iv. For supplying water to the Water District and contiguous Districts for any purpose that any person or public or corporate body may require.

Powers of Trustees in the construction of Works.

8 The Trustees are also hereby empowered to purchase, lease, or acquire any corporeal or incorporeal hereditaments, or any chattel interest whatever which they deem advisable for the purposes of this Act, and which they may think proper to purchase, lease, or acquire, including any water-rights, or water-powers, or water-works, and any rights and privileges accessory to the same; and the Trustees are also empowered to dispose of the same or any part thereof by sale, lease, or otherwise to any person or body corporate for any purpose whatever. Power to purchase.

9 The Trustees are hereby further empowered to purchase, acquire, and take any land which they may consider to be necessary for the purposes of this Act and which they may think proper to purchase and take, and also to sell or lease the same or any portion of the same. Purchase of land.

10 The Trustees, their officers and workmen, may at all reasonable times in the day-time, upon giving Twenty-four hours' previous notice in writing, enter into and upon any lands required for the purposes of this Act, for the purpose of surveying or valuing the same. Power to enter upon land.

11 *The Lands Clauses Act* shall, except as hereby expressly varied, be incorporated with this Act; but 21 Vict. No. 11 incorporated.

- i. There shall not be incorporated with this Act the Sections and provisions of the said Act hereinafter mentioned; that is to say, — Section Eight, whereby it is provided that the capital is to be subscribed before the compulsory provisions are to be put in force; Section Nine, whereby it is provided that the Certificate of the Justices shall be evidence that the capital has been subscribed.
- ii. In the construction of this Act and the said incorporated Act, this Act shall be deemed to be the special Act, and the Trustees shall be deemed to be the Promoters of the undertaking.

12 For the purposes of this Act it shall be lawful for the Trustees to enter upon any land and to take levels of the same, and to set out such parts of such land as the Trustees think necessary, and to dig, cut, trench, and break up the soil of such land, and to remove all earth, stone, trees, or other things dug or obtained out of the same, and to use Entry upon land.

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such materials in the construction and upholding of the works authorised by this Act.

If compensation
excessive Trustees
may give up land.

13 Where the Trustees give notice of their intention to take land for any of the purposes hereinbefore set forth, and the compensation in respect thereof is determined as in cases of disputed compensation, if the Trustees deem it inexpedient to pay the amount of compensation so determined they may, within Twenty-one days after notice of the amount of compensation so determined on, withdraw the first-mentioned notice on payment of all the costs of reference and award.

Construction of
works.

14 It shall be lawful for the Trustees from time to time to make, construct, lay down, maintain, alter, or discontinue such waterworks upon any land as the Trustees think necessary for the purposes of this Act; and also to enter into any contract concerning the same that they may think advisable; and also to dispose of any waterworks by sale, lease, or otherwise whenever they shall deem it advantageous so to do.

Trustees to give
notice prior to
first entry upon
land.

15 Prior to the first entry upon any land by the Trustees for the purposes of this Act, not less than Seven days' notice of the intention of the Trustees to enter shall be given by the Trustees to the owner and occupier, if any; but no notice shall be necessary previous to any subsequent entry by the Trustees upon such land for the purposes of this Act.

Trustees to do as
little damage as
may be.

16 In the exercise of the powers conferred by this Act the Trustees shall do as little damage as can be, and, in all cases where it can be done, shall provide other watering-places, drains, and channels for the use of adjoining lands in place of any such as are taken away or interrupted by the Trustees.

Trustees to make
compensation
for damage done
by execution of
works.

17 The Trustees shall make compensation in manner hereafter provided to all persons having a right to the use of any water taken or diverted by the Trustees under the authority of this Act; or having a lawful interest in any land other than land purchased by the Trustees in or upon which any waterworks may hereafter be constructed, or which may be injuriously affected by the construction and maintenance of the waterworks under this Act; or otherwise by the execution by the Trustees of the powers hereby conferred for all damage sustained by reason of the exercise as to such land or water of the powers vested in the Trustees by this Act.

Persons damaged
to make claim for
compensation.

18 Any person claiming such compensation shall prefer his claim by notice in writing addressed to the Trustees and served upon the Secretary or Chairman of the Trustees, in which notice shall be specified the place of abode of the claimant, the particular act occasioning the damage for which compensation is claimed, the nature and amount of such damage, and the nature of the title or interest of such claimant in or to the water or land, as the case may be, in respect of which the claim is preferred; and if any such person and the Trustees do not agree as to the amount of such compensation, the same, and the application thereof, shall be determined by arbitration in the manner provided by "The Lands Clauses Act" in cases of disputed compensation, or at the option of either the Trustees or claimant, by a Judge of the Supreme Court, upon either party giving Seven days' notice to the other after the

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delivery of such claim ; and the amount of such compensation to be paid in such case shall be ascertained by the Judge in such manner as he deems advisable, and subject to such conditions as such Judge sees fit to impose ; and all costs of any proceedings taken under this Act before a Judge shall be in his discretion as to the party by whom such costs shall be borne, and payment thereof may be enforced and recoverable by the party to whom such costs shall be payable as in equity.

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Compensation
how to be
ascertained.

19 If the Trustees, by notice in writing, require any person to make claim for compensation for any damage occasioned by the exercise previously to the service of such notice of any of the powers conferred on the Trustees by this Act, such person shall not be entitled to compensation for any damage sustained by reason of the exercise of any such powers previously to the service of such notice unless he prefers his claim in manner aforesaid within Six months after service of such notice.

Persons not
making claim
when required to
be barred.

20 If either party is dissatisfied with the award of the arbitrators or the umpire appointed to determine the amount of compensation to be paid to the owner or occupier of any land taken or occupied under the authority of this Act, or with the decision of the arbitrator or umpire appointed to determine the amount of compensation to be paid to any person claiming the right to use any of the water diverted or appropriated by the Trustees, the dissatisfied party, when the amount of compensation awarded by the arbitrators or umpire exceeds Fifty Pounds, may appeal from the award of the arbitrators or the umpire, as the case may be, to a Judge of the Supreme Court, and may have the amount of compensation fixed by a Judge of the said Court in the manner hereinafter provided.

Dissatisfied party
may appeal to
a Judge of the
Supreme Court.

21 If the dissatisfied party desire to appeal from the award of the arbitrators or umpire as aforesaid, he shall, within Fourteen days after the delivery to him of such award, or a copy thereof, give notice in writing to the other party of his intention to appeal, and shall, within One month after service of such notice upon the opposite party, prosecute such appeal in accordance with the Rules made by the Judges for conducting appeals under "The Main Line Railway Amendment Act, No. 2," so far as such Rules are applicable, and the amount of the compensation to be paid in such case shall be ascertained by a Judge of the Supreme Court in such manner as he deems advisable, and subject to such conditions as such Judge sees fit to impose ; and the Judge may also in his discretion make any Order as to the party by whom the cost of appeal shall be borne : Provided, that a Judge of the Supreme Court may, upon what he shall deem sufficient cause, allow an appeal under this Act to be prosecuted after the expiration of the time hereinbefore allowed for that purpose, but no appeal shall be allowed after the expiration of Three months after service of notice of intention to appeal.

Procedure upon
appeal.

22 Where the dissatisfied party gives such notice of appeal as aforesaid, then the award given by the arbitrators or the umpire shall not be made a Rule of Court until a Judge of the Supreme Court, by an Order in writing under his hand, determines the matter in dispute, or the time hereinbefore allowed for prosecuting the appeal has expired.

Award not to be
made a Rule of
Court until Judge
determines matter
in dispute.

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Land acquired
under this Act
not subject to
Lands Clauses
Act.

Before com-
mencing works,
plans to be
submitted for
approval.

23 No land acquired or held by the Trustees under the authority of this Act, and used for the purposes of this Act, shall, unless with the consent of the Governor in Council, be subject to the operation of *The Lands Clauses Act* or any Act incorporating the whole or any portion of that Act.

24 Before commencing or undertaking any of the works authorised by this Act, the Trustees shall lay before the Governor in Council detailed plans, sections, and specifications of such works, and it shall be lawful for the Governor in Council thereupon to refer such plans, sections, and specifications to the Director of Public Works or other competent person, who is hereby required to examine and consider the same, and fully report thereupon to the Governor in Council with reference to the probable expense, practicability, and nature of such works; and no such works shall be undertaken until the same have been approved of by the Governor in Council, and notice in writing of such approval received by the Trustees.

Breaking up of Streets.

Power to break
up streets, &c.,
and to open drains.

25 The Trustees may from time to time open and break up the soil and pavement of any street within the Water District, or any Road District, or Town, or contiguous district through which it may be expedient to convey water from the said river, rivulets, and streams for the purposes of this Act; and may open and break up any sewers, drains, or tunnels within or under such streets or roads, and lay down and place therein or thereunder pipes, service pipes, and other works and engines, and from time to time repair, alter, or remove the same; and, for the purposes aforesaid, remove and use all earth and materials in and under such streets and roads, and do all other acts which the Trustees from time to time deem necessary for supplying water to the inhabitants of the said Town and contiguous districts, doing as little damage as can be in the execution of the powers hereby granted.

Notice to be
served on persons
(if any) having
control of streets
without the Town.

26 The Trustees shall, before opening or breaking up any street without the Water District, give to the persons (if any) under whose control or management the same may be, or to their clerk, surveyor, or other officer, notice in writing of the intention of the Trustees to open or break up the same not less than Three clear days before beginning such work, except in cases of emergency arising from defects in any of the pipes or other works, and then as soon as possible after the beginning of the work or the necessity for the same has arisen.

Streets not to be
broken up except
under superintend-
ence of person
having control of
same.

27 No street without the Water District shall, except in the cases of emergency aforesaid, be opened or broken up except under the superintendence of the persons (if any) having the control or management thereof, or of their officer, and according to such plan as is approved of by such persons or their officer, or, in case of any difference respecting such plan, then according to such plans as may be determined by Two Justices: Provided, that if the persons having such control or management as aforesaid and their officer fail to attend at the time fixed for the opening of any such street after having had such notice of the intention of the Trustees as aforesaid, or do not propose any plan for breaking up or opening the same, or refuse or neglect to superintend the operation, the Trustees may perform the work specified

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in such notice without the superintendence of such persons or their officer. A.D. 1898.

28 When the Trustees open or break up any street, sewer, drain, or tunnel, they shall with all convenient speed complete the work for which the same was broken up, and fill in the ground and reinstate and make good the street, sewer, drain, or tunnel so opened or broken up, and carry away the rubbish occasioned thereby; and shall at all times whilst any such street is so opened or broken up cause the same to be fenced and guarded and a light, sufficient for the warning of passengers, to be set up and kept against the same every night.

Streets, &c. broken up to be reinstated without delay.

Supply of Water.

29 The Trustees shall, at the request of the owner or occupier of any house, or part of a house occupied as a separate dwelling, situated upon property within the Water District, the outer boundary of which property is within Fifty feet of any main or other pipe, furnish to such person within such dwelling-house, by means of communication pipes and other necessary and proper apparatus, to be provided, laid down, and maintained by the Trustees at the cost of such person, a sufficient supply of water for his domestic purposes, including a supply for any private water-closet and fixed bath in such dwelling-house.

Supply of water for domestic use within the Water District.

30 The Trustees may cause pipes to be laid down and water to be brought to such places beyond the Water District as the Trustees see fit, upon the application of any owners or occupiers of land, houses, buildings, or other premises in any such places, on payment to the Trustees of the expense of providing and laying down such pipes: Provided, that such owner or occupier shall execute an agreement binding himself to take such supply of water for three successive years at least to the satisfaction of the Trustees, and on such terms for the payment for such supply as may be agreed on between the Trustees and himself.

Supply of water to districts beyond the Water District.

31 The Trustees may, if they see fit, furnish to any person a supply of water for steam engines or for warming any dwelling-house or other premises, or for working any machine or apparatus, or for fountains or ornamental purposes, or for flushing sewers or drains, or for any trade, manufacture, or business, whether carried on in any dwelling-house or in other premises, or for any other purpose not domestic or not provided for by the following Section of this Act, such respective supplies being so furnished at such charges and upon such terms and conditions as may be agreed upon between the Trustees and the person desiring the same: Provided always, that as far as possible the charge for such supply of water shall be uniform to all persons in the same circumstances and requiring the same extent of supply.

Supply of water for steam engines, fountains, &c.

32 The Trustees may once in every year make and levy a charge, not exceeding the sum of Two Pounds, to be paid by the respective owners or occupiers of all stables and gardens, and the owners of all horses and carriages, within the Water District for the purposes of this Act; and such charge shall be payable by the respective owners and occupiers in addition to the rate payable under Section Forty-seven of this Act, and shall be recoverable in the same manner as that rate.

Supply of water for horses, cattle, stables, &c.

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Trustees may determine the description of service pipes to be used.

33 The description of pipes and other apparatus by means of which water is laid on, distributed, or supplied within the outer boundary of any premises shall be such as the Trustees determine, either generally, or in classes of cases, or in any particular case, and the Trustees shall not be bound to supply water in any case in which the required description of pipes or other apparatus is not provided, and may cut off the pipes or turn off the water from any premises supplied with water until the required description of pipes or other apparatus is provided.

Trustees may supply water by measure.

34 The Trustees may supply any person within the limits of this Act with water for other than domestic purposes by measure or otherwise, at such charge and subject to such conditions as the Trustees may prescribe, but such charge shall not exceed the sum of One shilling for every One thousand gallons of water so supplied.

Trustees may attach meters at any time.

35 The Trustees may, whenever they see fit so to do, attach a meter to the pipe supplying water to any person, and thereupon all water supplied to such person shall be drawn only through such meter; and there shall be payable by such person to the Trustees, besides the amount of any water rate or charge for water supplied to such person, such sum or sums of money as rent for the use of such meter, and at such time or times as may be prescribed.

Trustee may let meters.

36 The Trustees may let for hire to any consumer of water supplied by measure any meter or instrument for measuring the quantity of water supplied and consumed, and any pipes and apparatus for the conveyance, reception, or storage of the water, for such remuneration in money as may be agreed upon between the Trustees and the consumer, which shall be recoverable in the same manner as the rates due to the Trustees for water.

Any meter let for hire as aforesaid shall be attached and affixed to the pipe to which the same is intended to be attached and affixed, by or under the superintendence of such Officer or Servant of the Trustees as they shall appoint for that purpose, and not otherwise.

Meters of Trustees not distrainable.

37 Such meters, instruments, or other apparatus shall not be subject to distress for rent of the premises where the same are used, or to be attached or taken in execution under any process of the Supreme Court or any inferior Court, or under or in pursuance of any adjudication or Order in Bankruptcy, or other legal proceedings against or affecting the consumer of water, or the occupier of the premises, or other person in whose possession the meters, pipes, instruments, or other apparatus may be.

Officers of the Trustees may inspect meters.

38 Any person acting under the authority of the Trustees may at all reasonable times enter any house, buildings, or lands to, through, or into which water is supplied by the Trustees by measure, in order to inspect the meters, instruments, pipes, and apparatus for the measuring, conveyance, reception, or storage of water, or for the purpose of ascertaining the quantity of water supplied or consumed, and may from time to time enter any house, buildings, or lands for the purpose of removing any meter, instrument, pipe, or apparatus, the property of the Trustees; and if any one hinders such person from entering or making such inspection, or effecting such removal, or if any one, not being an Officer or in the employ of the Trustees, in any manner

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injures or interferes with any meter placed for the purpose herein named, he shall for every such offence be liable to a penalty not exceeding Five Pounds, in addition to the amount of damage or injury done. A.D. 1898.

39 Every person requiring to remove or alter the position of any meter shall give Two days' notice in writing to that effect to the Trustees, who will cause a registration of the quantity of water used to be taken and such removal or alteration to be made; and the expense of so doing shall be paid by such person; and no alteration shall be made but by or under the direction of an Officer of the Trustees, nor until the permission of the Trustees has been obtained. Notice of removal of or change in meter.

Fouling the Water by Gas.

40 For the purpose of ascertaining whether the water supplied by the Trustees is fouled by gas of any persons making or supplying gas, the Trustees may dig up the ground and examine the pipes and works of the persons making or supplying gas: Provided that, before proceeding so to dig and examine, the Trustees shall give Twenty-four hours' notice in writing to the person so making or supplying gas of the time at which such digging and examination are intended to take place. Power to examine gas-pipes to ascertain whether water is fouled.

41 If upon such examination it appears that such water has been fouled by gas belonging to such persons, the expenses of the digging, examination, and repair of the street or place disturbed in any such examination shall be paid by the persons making or supplying the gas; but if upon such examination it appears that the water has not been fouled by the gas of such persons, then the Trustees shall pay all the expenses of the examination and repair, and shall also make good to the said persons any injury which may be occasioned to those works by such examination. The expenses to abide the result of the examination.

42 The amount of the expenses of every such examination, any repair, and any injury done to the Trustees shall, in case of any dispute about the same, together with the cost of ascertaining and recovering the same, be ascertained and recovered in a summary way before any Two or more Justices of the Peace. How expenses to be ascertained.

Waste or Misuse of Water.

43 In case any person when required by the Trustees neglects to keep the pipes and other apparatus by means of which his premises are supplied with water in good repair, the Trustees may cut off the pipe or turn off the water from such premises until such pipes and other apparatus are sufficiently repaired. Service pipes to be kept in repair.

44 The Trustees may repair any such pipe or other apparatus so as to prevent any such waste of water, and the expenses of any such repair shall be repaid to the Trustees by the person so allowing the same to be out of repair, and may be recovered by the Trustees from such person in a summary way. Trustees may repair service pipes.

45 Every cistern or other receptacle for water which the Trustees may permit to be used, and every closet, soil-pan, and private bath supplied with water by the Trustees, shall be so constructed and used in such manner as may be prescribed by Regulations to be made by the Cisterns, &c., to be so constructed as to prevent waste or impurity.

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Trustees so as to effectually prevent the waste, misuse, or undue consumption of water and the flow or return of foul air or other noisome or impure matter in the mains or pipes of the Trustees, or into any pipes connected or communicating therewith; and the Trustees may cut off the pipe attached to or turn off the water supplied to any cistern or other receptacle for water so permitted to be used, or any closet, soil-pan, or private bath which is not constructed and used as prescribed as aforesaid until such cistern or other receptacle for water, or such closet, soil-pan, or private bath is constructed and used as prescribed aforesaid.

Power to enter
premises to
inspect.

46 The Superintendent of Waterworks, or any other person acting under the authority of the Trustees, may enter into any house or premises supplied with water by virtue of this Act in order to examine if there is any waste or misuse of such water; and if such Superintendent of Waterworks or other person is at any such time refused admittance into such house or premises for the purposes aforesaid, or is prevented from making such examination as aforesaid, the Trustees may cut off the water from such house or premises.

Rating.

Trustees to fix
Water Rate.

47 The Trustees shall, once or oftener in every year, make and levy a Water Rate or Water Rates, to be paid by the respective owners or occupiers of all property within the Water District for the purposes of this Act; and such Rates in any one year may be of an amount not exceeding the sum of Ten Pounds per centum per annum on the assessed annual value of such property, according to the Assessment Roll in force for the time being: Provided, that the Water Rate payable in respect of any house or dwelling within the Water District shall in no case be less than Twelve Shillings per annum.

One-fourth only
of Rate to be
levied unless
premises are sup-
plied with water.

48 No person shall be liable to the payment of the said Water Rate in a greater proportion than upon One-fourth part only of such assessment of Rate on any land or houses or buildings owned or occupied by such person unless the same are actually supplied with water for domestic or other purposes, or unless the mains or other pipes of the Trustees are laid down and properly supplied with water within Fifty feet from the outer boundary of such lands or houses or buildings.

Upon making
Rate notice of
same to be given.

49 Upon the making of any Water Rate under this Act, a notice, signed by not less than Four Trustees, specifying the amount of such Rate, the period for which the same is made, and at what times the same is payable, shall be published in the *Gazette* and also in at least two consecutive numbers of a public newspaper published in the city or town nearest to the Water District; and upon any such notice being so published, the Rate therein mentioned shall be payable and paid at the times specified in such notice by the persons liable to pay the same, according to the Assessment Roll then in force for the purposes of this Act: and it shall not be necessary in any such notice to set forth the names of the persons liable to the payment of the Rate, or the sums which, according to such Rate, such persons are liable to pay, or any other particulars than are hereinbefore in that behalf mentioned.

Where several
premises supplied
by one pipe each
to pay.

50 Where several buildings are supplied by one common pipe, the several owners or occupiers of such buildings shall be liable to the payment of the same Rate for the supply of water as they would have

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been liable to if each of such several buildings had been supplied with water from the Waterworks by a separate pipe. A.D. 1898.

51 If any person liable as herein provided to pay any amount of Water Rate neglects to pay the same within due time after the same has been lawfully demanded, the Trustees may after giving Forty-eight hours' notice in writing, stop the water from flowing into the premises in respect of which such Rate is payable, by cutting off the pipe to such premises, or by such means as the Trustees think fit, and may recover the amount due from such person, with the expense of cutting off the water, in the same manner as any Municipal Rate is recoverable. Rate how to be recovered.

52 All such Rates shall be payable in advance at such periods as the Trustees from time to time appoint, and shall be payable in the first instance by the occupier of the property at the time when the same is made payable by such notice as aforesaid. Rates payable and occupiers liable for Rate in first instance.

53 In case at the time when any Rate is made payable by such notice as aforesaid there is no occupier of any property, or the occupier cannot be found or is not known, the Rate in respect of such property shall be payable by and recoverable from the owner in the first instance, who shall be entitled to recover the same from the tenant (if any), if not paid on demand, by distress as for rent in arrear or as money paid to his use. But nothing herein shall affect, as between themselves, any agreement made between the landlord and tenant as to the payment of the Rate. If no occupier, owner liable in first instance.

54 In case any change of occupation of any property takes place after the time when any Rate is made payable by such notice as aforesaid and before the Rate due in respect of such property is paid or recovered, it shall be lawful for the Trustees to recover such Rate in arrear from the person who is the occupier of such property at the time of demand or levy as the case may be, or, if there is no such occupier, then from the owner of such property, and any such occupier or tenant shall be entitled to recover the same Rate so paid from the person who was occupier when the Rate became payable as money paid to his use; and any owner who has paid, or from whom has been recovered any amount of Rate in any such case where there is no occupier at the time of demand or levy, may recover such amount of Rate from the tenant, if any, at the time when such amount of Rate was made payable. Provides for change of occupation.

55 In case any change of ownership of any property takes place after the time when any Rate is made payable by such notice as aforesaid and before the Rate due in respect of such property is paid or recovered, any amount of Rate in arrear paid by or recovered from the owner for the time being of such property shall be recoverable by him from the person who was owner of such property when such amount of Rate became payable as money paid to his use. Provides for change of ownership.

56 Every owner or lessor of property in the Water District shall, upon request in writing to be left at or posted to his usual residence from the Chairman of the Trustees deliver or cause to be delivered to such Chairman forthwith a statement in writing setting forth the names of the tenants or occupiers of his property or any part thereof; also the rent payable by each such tenant or occupier, and the area of their respective holdings; and if any owner or occupier neglects so to deliver Recovery of Rate in case of subdivision of property.

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or cause to be delivered such statement he shall be liable to pay to the Trustees the Rate payable in respect of such property.

Recovery of Rate.

57 Every such Rate shall be paid by the persons liable to pay the same to the Trustees or a Collector of Water Rate appointed by the Trustees; and in case any such person fails to pay the amount of any such Rate for which he is liable for the space of Fourteen days after the same has been demanded by any such Collector, it shall be lawful for any Justice of the Peace, and he is hereby authorised and required, to summon the defaulter to appear before him or any other Justice of the Peace, at a time and place to be mentioned in the Summons, to show cause why the Rate in arrear should not be paid; and in case the defaulter fail to appear according to the exigency of the Summons, or no sufficient cause for non-payment be shown, the Justice may, and he is hereby authorised and required, to grant a warrant under his hand authorising and directing any such Collector or some other fit person to distrain the goods and chattels of such person, whether the same are on the property in respect of which the Rate is payable or elsewhere, and to cause such goods and chattels when distrained to be sold, and out of the moneys to arise by such sale to pay all costs, charges, and expenses attendant upon such distress and sale, and in the next place to pay the amount of the Rate for which such distress and sale are made, and to pay over the surplus, if any, on demand, to the person whose goods and chattels have been so distrained and sold as aforesaid.

Demand of Rate.

58 Any Rate may be demanded by any Collector of Water Rate by written or printed, or partly written and partly printed notice, specifying the amount of Rate demanded, the date of making the Rate, and the property in respect of which the Rate is demanded, left at, or posted to the usual or last known place of abode of the person from whom the Rate is sought to be recovered, if such place can after diligent inquiry be discovered, but if not, then affixed to some conspicuous part of the property in respect of which the Rate is demanded.

All goods found
on property liable
to Rate.

59 All goods and chattels whatsoever found upon the property in respect of which any such Rate is payable, to whomsoever the same may belong, shall be liable to be taken under Warrant of Distress issued for the recovery of such Rate: Provided, that in case of change of occupation as hereinbefore mentioned, the same shall not be liable after the expiration of Three months from the time when such Rate is made payable; and such Warrant of Distress may be in the form in Schedule (2).

Further distress in
case first is in-
sufficient.

60 In event of any distress so made as aforesaid not realising sufficient to pay such Rates, costs, charges, and expenses as aforesaid, it shall be lawful from time to time to make further and other distress in manner aforesaid until the whole amount of such Rate, costs, charges, and expenses has been fully paid.

Time of sale of
goods distrained.

61 The goods and chattels distrained under any such Warrant of Distress shall be sold and disposed of within any time, not being less than Four days, after the making of the distress.

Appeal to Justices
against costs of
Distress.

62 Any person deeming himself aggrieved by the amount of the costs, charges, and expenses with which he is charged as attendant

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upon any such distress and sale, may forthwith apply to the Justice issuing the Warrant of Distress, and such Justice is hereby authorised and empowered, after proper investigation by taking any evidence the disputing parties may have to lay before him, to make such Order in the matter as to him seems just; and any person who disobeys or fails to comply with such Order shall incur a penalty not exceeding Five Pounds.

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63 No distress made under the authority of this Act shall be deemed unlawful, or the person making the same be deemed a trespasser, on account of any defect or want of form in the Warrant of Distress, or in any other proceeding relating to such distress; nor shall the person distraining be deemed a trespasser *ab initio* on account of any irregularity which he may afterwards commit, but the person aggrieved by such irregularity may recover full satisfaction for special damage in an action on the case.

Distress not unlawful for want of form.

64 The provisions of "An Act to facilitate the Collection and Recovery of Rates," and every Amendment thereof, shall be applicable to the collection and recovery of Rates under this Act.

Provisions of 22 Vict. No. 57 applied.

65 The like proceedings may be had for recovering and enforcing the payment of any expenses incurred in the execution of this Act which may become payable by any person to the Trustees, and also of any charge for the supply of water by the Trustees under this Act other than Water Rate, as in the case of any Water Rate.

Charges for water, how recovered.

66 Any unpaid Rate, with interest thereon at the rate of Four Pounds per centum per annum, shall be and remain a charge upon the property in respect of which such Rate is payable, and may be recovered at any future time as if the then occupier had himself been liable to the payment of the Rate so remaining unpaid; and the production of the receipt for such overdue Rate paid by or recovered from any tenant for any Rate due before the commencement of his tenancy shall be a discharge for the amount so paid or recovered in payment of rent to the landlord; and such landlord shall be entitled to recover from the person who was tenant when the Rate became payable the Rate to which such tenant was liable, as money paid to his use.

Unpaid Rate shall be a charge upon property.

67 Whenever the Rate payable in respect of any property shall have been in arrear for the space of Five years and upwards, it shall be lawful for the Trustees to cause to be published for Three consecutive weeks in the *Gazette*, and in Three numbers of a newspaper published in *Launceston*, a notice specifying the property and the amount of Rate due in respect thereof, and stating that if the same be not paid within Six months from the first publication of such notice the Trustees will let the property from year to year, as provided by this Act, or will apply to the Supreme Court for a sale thereof, in the manner described in this Act.

Notice of intention to let or sell.

68 If after Six months from the first publication of such notice the said Rate due at the time of such first publication is still unpaid, the Trustees may let such property or any part thereof from year to year, and may receive the rents and profits thereof, and apply the same towards the payment of the said Rate or part thereof, and of the

Trustees may let from year to year.

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interest payable thereon, at the rate of Four Pounds per centum per annum as aforesaid, and of costs, charges, and expenses, and hold any surplus in trust for the rightful owner of such property.

Trustees may
apply to Supreme
Court for sale.

69 If after Six months from the first publication of such notice the said Rate due at the time of such first publication is still unpaid, the Trustees, instead of letting such property, may, by petition to the Supreme Court, or a Judge thereof, apply for a sale of the property described in such notice, or of so much thereof as may be necessary to produce the amount of Rate due in respect thereof, and of the interest payable thereon, and the Court or Judge, on being satisfied by affidavit or otherwise that Six calendar months' notice of such petition has been served on the owner of such land, or left at his usual or last known place of abode in *Tasmania*, or, in case no owner can be found, then that such notice has been affixed and has constantly been kept affixed in a conspicuous place upon such property, and has also been inserted for Three consecutive weeks in the *Gazette* and in Three consecutive numbers of one of the newspapers published in *Launceston*, and that the Rate alleged to be in arrear is lawfully due and was in arrear at the time of the first publication of such notice in the *Gazette*, and that all things required by this Act to be done by the Trustees have been done, shall order the sale of the said property or so much thereof as shall be sufficient to pay all rates due or accrued due in respect of such property up to the time of sale, and the interest payable thereon, together with all costs, charges, and expenses of and attending the application, and of and attending the sale of such property, and that the proceeds be paid into Court.

Application of
proceeds of sale.

70 The Supreme Court or a Judge thereof shall order payment of the said Rate and interest thereon, costs, charges, and expenses to be first made out of the proceeds of the sale, and the conveyance or transfer, as the case may be, shall be executed by the Registrar, or such other officer of the Court as the Court may direct, to the purchaser, his heirs and assigns, in such form as shall be approved by the Court or a Judge; and such conveyance or transfer shall vest the property sold in the purchaser for an estate in fee simple free from encumbrances, and in cases where the land is under *The Real Property Act* the purchaser shall be entitled to receive a Certificate of Title to the property purchased; and the balance arising from the proceeds of such sale shall be subject to any Orders of the Court for the benefit of the parties interested therein.

Remission of
Rates.

71 It shall be lawful for the Trustees, upon the complaint of any person liable to the payment of any Rate, to remit or excuse the payment thereof, or any part thereof, on account of the poverty of such person; and the Trustees, upon the application of any person, shall also remit payment of half the Rate whenever the house in respect of which such Rate is levied has been unoccupied for the unbroken period of Six months and upwards during the period for which such Rate has been levied.

Borrowing Money.

Governor in
Council may
grant loan.
54 Vict. No. 30.

72 It shall be lawful for the Governor in Council from time to time to grant to the Trustees, as a loan or loans for carrying out the objects of this Act, any sum or sums of money not exceeding in the whole

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Three thousand Pounds (£3000), under and subject to the provisions of "The Local Public Works Loans Act, 1890." A.D. 1898.

73 The Trustees shall from time to time so regulate the Water Rate and charges to be levied and made for the supply of water under the provisions of this Act that the amount of such Rate and charges shall be as near as may be sufficient to pay the interest upon any money borrowed by the Trustees for the purposes of this Act, together with the cost of managing and conducting the waterworks; and, if in any year the amount received is more than sufficient for all the purposes aforesaid, the Trustees are hereby required, whenever practicable, to make a proportionate reduction in the Rates and charges payable by the consumers of water to be in the next year made in respect of water supplied under and by virtue of this Act.

Rate and charges for water to be so regulated as not to exceed annual expenditure.

74 The power to borrow money hereinbefore conferred upon the Trustees shall be exercised in accordance with and subject to the provisions of "The Local Bodies Loans Act," and whenever in that Act the terms "Local Bodies," or "Municipal Council," or "Municipality" are used, the same shall, for the purposes of this Act, be deemed to mean the Trustees of the Water District of *Westbury* and *Hagley*, and the terms "Warden" and "Council Clerk" shall, for the purposes of this Act, respectively be deemed to mean the Chairman of the Trustees and the Secretary to the said Trustees: Provided, that Sections Five, Seven, Eight, Nine, and Twenty-eight of "The Local Bodies Loans Act" shall not apply to this Act.

Powers of 45 Vict. No. 16 to be exercised by Trustees.

Officers and their Accountability.

75—(1.) The Trustees shall, from time to time, appoint a Treasurer, who may be one of the Trustees, and a Secretary, and may, from time to time, appoint and employ a Solicitor, Clerk, and such Surveyors, Collectors of Water Rate, and other Officers as the Trustees think necessary and proper; and, from time to time, may remove any of such Officers, and appoint others in the room of such as are so removed, or as may die, resign, or discontinue their offices; and may out of the moneys at the disposal of the Trustees under this part of this Act, pay such salaries and allowances to the said Officers respectively as the Trustees think reasonable.

Power to appoint Officers.

(2.) Nothing herein contained shall prevent the same person from being appointed to hold more than one of such offices at the same time if the Trustees so think fit, except as hereinafter provided.

(3.) It shall not be lawful for the Trustees to appoint the same person to be a Collector and also Treasurer of the Trustees.

76 Every person holding any office or place of profit in the gift or disposal of the Trustees, other than that of Treasurer, shall be disqualified from being a Trustee, and if any Trustee is appointed to any such office or place of profit he shall thereupon cease to be a Trustee; Provided that any Trustee who is appointed Treasurer shall be liable to all the provisions of this Act relating to such officer in the same manner as if he were not a Trustee.

Trustees not to be Officers.

77 Before any person, whether Treasurer, Clerk, Collector, or other Officer, who is entrusted by the Trustees with the custody or control of moneys by virtue of his office, enters upon such office, the Chairman of Trustees shall take sufficient security for the faithful execution thereof.

Security from Officers.

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Officers to keep
account books.

78 Every officer or person employed by the Trustees shall, in books to be provided by the Trustees for that purpose, enter true accounts of all sums of money by him received and paid, and of the several matters for which such sums have been received and paid. and of all acts done by him by direction of the Trustees; and such books shall at all times be open to the inspection of any Trustee.

Payment over of
moneys by
Officers.

79 Every Collector or other officer appointed or employed by the Trustees to collect money shall, within Seven days after he has received any moneys on behalf of the Trustees, pay over the same to their Treasurer, and the receipt of such Treasurer for the moneys so paid shall be a sufficient discharge to such Collector or other officer; and every such Collector or officer shall, in such time and in such manner as the Trustees direct, deliver to the Trustees true and perfect accounts in writing under his hand of all moneys received by him, and of all moneys paid by him to the said Treasurer, and also a list of the names of all persons who have neglected or refused to pay any moneys owing by them, with a statement of the moneys due from them respectively.

Officers to
account.

80 Every Collector and other officer appointed or employed by the Trustees shall, from time to time, when required by the Trustees, make out and deliver to the Trustees, or to any person appointed by the Trustees for that purpose, a true and perfect account in writing under his hand of all moneys received by him on behalf of the Trustees; and such account shall state how, and to whom, and for what purpose such moneys have been disposed of; and together with such account such officer shall deliver the vouchers and receipts for such payments; and every such officer shall pay to the Trustees, or to any person appointed by the Trustees to receive the same, all moneys which appear to be owing from him upon the balance of such accounts.

Summary pro-
ceedings against
Officers failing to
account.

81 If any such Collector or other officer fails to render such accounts as aforesaid, or to produce and deliver up all books, vouchers, and receipts relating to the same in his possession or power, or to pay the balance thereof when thereunto required, or if for Five days after being thereunto required he fails to deliver up to the Trustees, or to any person appointed by the Trustees to receive the same, all books, papers, and writings, property, effects, matters, and things in his possession or power relating to the execution of his office or belonging to the Trustees, then, on complaint thereof being made to a Justice, such Justice shall summon such officer to appear before Two or more Justices, at a time and place to be set forth in such summons, to answer such charge; and upon the appearance of such officer, or upon proof that such summons was personally served upon him, or left at his last known place of abode, such Justices may hear and determine the matter in a summary way, and may adjust and declare the balance owing by such officer; and if it appears, either upon confession of such officer, or upon evidence, or upon inspection of the accounts, that any moneys of the Trustees are in the hands of such officer, or owing by him to the Trustees, such Justices may order such officer to pay the same; and if he fails to pay the amount, it shall be lawful for such Justices to grant a warrant to levy the same by distress, and in default of sufficient distress to commit the offender to gaol, there to remain without bail for a period not exceeding Three months, unless the same is sooner paid.

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82 If any such Officer summoned as aforesaid refuses to make out such account in writing, or to produce and deliver to the Justices the several vouchers and receipts relating thereto, or to deliver up any books, papers, or writings, property, effects, matters, or things in his possession or power belonging to the Trustees, such Justices may commit such offender to gaol, there to remain until he has delivered up all the vouchers and receipts in his possession or power relating to such accounts, and all the books, papers, writings, property, effects, matters, and things in his possession or power belonging to the Trustees.

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Officers refusing to make out accounts, &c., may be committed.

83 If any Trustee or other person acting on behalf of the Trustees makes oath that he has good reason to believe, upon grounds to be stated in his deposition, and does believe, that it is the intention of any such Officer as aforesaid to abscond, the Justice before whom the complaint is made may, instead of issuing his summons, issue his Warrant for bringing such Officer before such Two Justices as aforesaid; but no person executing such Warrant shall keep such Officer in custody longer than Twenty-four hours without bringing him before Two or more Justices, and the Justices before whom such Officer is brought may either discharge such Officer, if he thinks there is no sufficient ground for his detention, or order such Officer to be detained in custody so as to be brought before Two or more Justices at a time and place to be named in such Order, unless such Officer gives bail to the satisfaction of such Justices for his appearance before Two or more Justices to answer the complaint of the Trustees.

If Officer about to abscond Warrant may be issued.

84 No such proceeding against or dealing with any such Officer as aforesaid shall deprive the Trustees of any remedy which they would otherwise have had against such Officer or any surety of such Officer.

Proceedings against Officers not to discharge sureties.

Accounts.

85 The Trustees shall cause books to be provided and kept, and true and regular accounts to be entered therein of all sums of money received and paid under the authority of this Act, and of the several purposes for which such sums of money have been received and paid, which books shall at all reasonable times be open to the inspection of any Trustee or any creditor of the Trustees, without fee or reward; and the persons aforesaid, or any of them, may take copies of or extracts from the said books without paying anything for the same; and any person having the custody of the said books who does not, on the reasonable demand of any person as aforesaid, permit him to inspect the said books, or to take such copies or extracts as aforesaid, shall, for every such offence, incur a penalty not exceeding Five Pounds.

Trustees to keep accounts of receipts and disbursements.

45 Vict. No. 16.

86 The Trustees shall, before the end of the second week in the month of *January* in each year, cause the accounts of the Trustees up to and including the last day of *December* next preceding to be balanced, and also cause a full and true statement and account to be drawn out of the amount of all Rates made and levied, and of all moneys received and expended during the preceding year, and also of all debts then owing by and to the Trustees, and such statement and account shall be signed by the Chairman and not less than Two Trustees.

Statement and account to be annually prepared.

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Audit of accounts.
25 Vict. No. 43,

87 The accounts of the Trustees mentioned in the Two preceding Sections of this Act shall be subject and liable to all the provisions of "The Audit Act, 1888," in the same manner as the accounts of Trustees of Road Districts are now subject and liable; and the statement and account mentioned in the preceding Section of this Act shall be forwarded to the Auditor-General not later than the Thirty-first day of *March* in every year; and such statement and account, with the report of the said Auditor-General thereon, shall be published in the *Gazette* as soon as may be after the same have been audited, and a copy of such *Gazette* shall be affixed by the Trustees on or near the door of the Post Office at *Westbury*.

Appropriation.

88 All moneys whatsoever levied, received, or recovered under the authority of this Act shall be at the sole and absolute disposal of the Trustees, to be by them applied in such manner as they see fit in carrying out and effectuating the purposes of this Act, and to no other purpose.

Moneys received
to be paid into
Bank.

89 As soon as the moneys at any time in the hands of the Collector or the Treasurer of the Trustees shall amount to Five Pounds he shall forthwith pay the same into some Public Bank in this Colony to the account of the Trustees; and no part of such moneys shall be drawn out of such Bank except by cheque signed by the Treasurer and one of the Trustees.

*Offences.*Penalty for ob-
structing Trustees.

90 Every person who wilfully obstructs, hinders, or interrupts the Trustees, or any person acting under the authority of the Trustees, in doing or performing any work by this Act authorised to be done or performed by the Trustees, or in the exercise of any power or authority by this Act conferred on the Trustees, shall, for every such offence, incur a penalty of not more than Fifty Pounds.

Injuring Water-
works or prevent-
ing flow of water.

91 Every person who commits any of the following offences shall, for every such offence, incur a penalty not exceeding Fifty Pounds:—

Destroys or injures any of the Waterworks:

In any manner prevents or obstructs the flow of such quantity of water of the *Meander* River as shall be required by the Trustees for any of the purposes herein mentioned, or the flow of water in or through any of the Waterworks:

Otherwise injures or obstructs the passage of the water in a pure and wholesome state in any of such rivers, rivulets, or streams, or through any Waterworks.

Fouling water.

92 Every person who commits any of the offences next following shall, for every such offence, incur a penalty not exceeding Ten Pounds:—

- I. Every person who bathes in any part of the *Meander* River within One mile above any waterworks of the Trustees, or in any reservoir, aqueduct, or other waterwork of the Trustees, or washes, throws or causes to enter therein any dog or other animal alive or dead.
- II. Every person who throws any dead animal, rubbish, dirt, filth, or other noisome thing into the *Meander* River within Five

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miles above the intake of the said Waterworks, or into any such reservoir, aqueduct, or other waterwork, or washes or cleanses therein any cloth, wool, leather, or skin of any animal, or any clothes or other things. A.D. 1898.

- iii. Every person who causes or permits the water of any sink, sewer, or drain, steam-engine, boiler, or other filthy water belonging to him or under his control, to run or be brought into the *Meander* River within Five miles of the intake above any Waterworks of the Trustees, or into any such reservoir, aqueduct, or other waterwork, or does or permits any other act whereby the water of the waterworks or supplying the same is fouled.
- iv. Every person who permits or suffers the drainage from any yard, pig-sty, stable, cow-house, or any place to so run, drain, or percolate as calculated to render the water within Five miles of the intake in the waterworks or supplying the same unwholesome.

And every person shall incur a further penalty of Two Pounds for each day during which such last-mentioned offence is continued after the expiration of Twenty-four hours from the time when notice of the offence has been served on such person by the Trustees.

93 Every person who wilfully and maliciously damages or destroys any of the waterworks or any part thereof, or who wilfully and maliciously does any act calculated to render the water in the waterworks or the water supplying the same unwholesome or offensive, shall be guilty of a Misdemeanor, and being convicted thereof shall be liable to be imprisoned for any term not exceeding Three years. Maliciously injuring works or fouling water a Misdemeanor.

94 Any person found committing any offence mentioned in the last preceding Section may be immediately apprehended without a warrant by any constable or any person who sees such offence committed, and forthwith taken before a Justice of the Peace to be dealt with according to law. Certain offenders may be apprehended.

95 Every owner or occupier of premises supplied with water under this Act who supplies to any other person, or wilfully permits him to take any of such water from any cistern or pipe in or on such premises, unless for the purpose of extinguishing any fire, or unless he is a person supplied with water by the Trustees from the waterworks, and the pipes belonging to him are, without his default, out of repair, shall for every such offence incur a penalty not exceeding Twenty Pounds. Allowing persons not supplied to use the water.

96 Every person who, without due authority, takes any water from any waterwork belonging to the Trustees, or any pipe leading to any such waterwork or other like place containing water belonging to the Trustees, other than such as may have been provided for the gratuitous use of the public, shall for every such offence incur a penalty not exceeding Twenty Pounds. Taking water without authority.

97 Any person who makes any pipe to communicate with any waterwork or pipe of the Trustees, without the authority of the Trustees in that behalf, shall incur a penalty not exceeding Twenty Pounds. Attaching service pipe without authority.

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Suffering service
pipe to be out of
repair.

98 Every person supplied with water by the Trustees who suffers any pipe or other apparatus by means of which his premises are supplied with water to be out of repair, so that the water supplied to him by the Trustees is wasted, shall for every such offence incur a penalty not exceeding Five Pounds.

Destroying
valves, &c.

99 Every person who wilfully or carelessly breaks, injures, or opens any locks, cock, valve, pipe, work, or engine belonging to the Trustees, or flushes or draws off water from the reservoirs or other waterworks of the Trustees, or does any other wilful act whereby such water is wasted, shall for every such offence incur a penalty not exceeding Twenty Pounds.

Fouling water by
gas.

100 Whenever the water supplied by the Trustees is fouled by the gas of any persons making or supplying gas, such persons shall for every such offence incur a penalty not exceeding Twenty Pounds, and a further penalty not exceeding Ten Pounds for each day during which the offence continues after the expiration of Twenty-four hours from the service of notice of such offence.

Accessories to
offences liable as
principals.

101 Where the doing of any act or thing is made punishable by this Act, or by any By-law in force under the authority of this Act, with any penalty, fine, or forfeiture, the causing, procuring, permitting, or suffering such act or thing to be done shall be punishable in like manner.

Appropriation of
penalties.

102 All penalties for offences against this Act shall be applied to the use of the Trustees, and shall be paid to the Treasurer of the Trustees, and shall be carried to the credit of the Water Account.

By-laws.

By-laws.

103 The Trustees shall have power from time to time to make, alter, modify, amend, or repeal By-laws for the following purposes:—

For regulating the charges, terms, and conditions upon which water shall be supplied in the cases provided for by Sections Thirty-one, Thirty-two, and Thirty-three of this Act:

For regulating the description of pipes and other apparatus by means of which water may be laid on, distributed, or supplied from the waterworks, and for prohibiting the use of any other description of pipes or apparatus:

For defining and declaring the places in which the offences mentioned in Section Ninety-nine shall be prohibited:

For regulating the distance or distances from the waterworks at which yards, pigsties, stables, cow-houses, cesspools, closets, and such like places shall be made, placed, or erected:

For preventing injury to the waterworks:

For regulating all or any matters and things whatsoever connected with the water to be supplied by means of the waterworks:

And to provide that any such By-law may be enforced by cutting off the pipe or turning off the water, or by such pecuniary penalty, not exceeding in any case the sum of Ten Pounds.

By-laws to be
certified and
published.

No By-law to be made by the Trustees shall be of any force and effect until it has been certified by the Attorney or Solicitor-General not to be repugnant to this Act or to the general spirit or intentment of the Laws in force in *Tasmania*, and published in the *Gazette*.

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104 All By-laws made hereunder shall be published in the *Gazette*, and shall be laid before both Houses of Parliament within Fourteen days after the publication thereof if Parliament is then sitting, or if not then sitting, then within Fourteen days from the next assembling of Parliament; and upon publication in the *Gazette* all such By-laws shall have the force of law.

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By-laws to be published and laid before Parliament.

Miscellaneous.

105 Wherever by this Act authority is conferred on the Trustees to enter upon any land for the purposes of this Act, or to do any act in or relating to the construction or maintenance of any work, the same authority shall equally extend to all persons acting by the direction of the Trustees, and to all necessary agents, assistants, servants, workmen, means and appliances whatsoever.

Powers conferred on Trustees to extend to officers duly authorised.

106 Wherever the owners or occupiers of property through or by which any stream flows, the water of which has been taken, diverted, or compounded by the Trustees under the authority of this Act, have now by law the right of using this water for any purpose, and water in lieu of that which may be thereby taken away can be supplied from the Waterworks, it shall be lawful for the Trustees, instead of making pecuniary compensation to the owners or occupiers for the time being of such land, to afford a reasonable supply of water for such purpose from the Waterworks free of charge other than the Water Rates for the time being made and enforced under this Act; and in case the Trustees and any such owner or occupier do not agree as to the quantity to be supplied, or as to the mode of supply, the same shall be determined in the manner provided by Section Nineteen of this Act.

Compensation in lieu of water taken may be by supply of water.

107 The Trustees shall only recognise those rights, if any, to the use of the water taken or diverted by the Trustees under the authority of this Act that have accrued up to the passing thereof; but no rights to the use of the water other than those that have so accrued shall be deemed hereafter to exist as against the Trustees.

Only existing rights to water to be recognised.

108 No person shall be disqualified from acting as a Judge, Justice of the Peace, Juror, or otherwise in any proceeding under this Act, or any Act incorporated herewith, by reason only of his being a ratepayer of the Water District, or by reason of his being liable to any rate or charge for water supplied under this Act, or of his premises being supplied, or being so situated as to be capable of being supplied, with water under this Act.

Interest in execution of Act not to be a disqualification.

109 The Trustees may sue and be sued, and all proceedings before any Court, or a Judge of any Court, and all proceedings taken or adopted in pursuance of the provisions of this Act, may be taken or adopted by or against them by the name of the Trustees of the *Westbury Water District*, without otherwise naming such Trustees, and service of any legal process on the Chairman or Secretary shall be deemed and taken as good service on the Trustees.

Trustees may sue and be sued.

110 The property in all land vested in, taken or purchased by the Trustees, and in all moneys at their disposal for the purposes of this Act, and in all Waterworks, with the several appliances and appur-

Property may be laid in the Trustees.

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tenances thereto belonging, and the materials of which the same consist, and all materials, tools, implements, and things furnished and provided by the Trustees for the purposes of this Act, shall, for the purposes of this Act, be vested in the Trustees; and in any proceedings, civil or criminal, relating to such land, waterworks, money, or property so vested in the Trustees for the purposes of this Act, it shall be sufficient to describe such property, waterworks, or money as "the property, waterworks, or money of the Trustees of the *Westbury and Hagley Water District*."

Offences to be
dealt with sum-
marily.
19 Vict. No. 8.

111 All offences against this Act, except the offences defined in Section One hundred, or any By-law, shall be heard and determined in a summary way by any Two Justices of the Peace in the mode prescribed by *The Magistrates Summary Procedure Act*; and any person convicted of any offence against this Act, or any By-law, may appeal against the conviction in the mode prescribed by *The Appeals Regulation Act*.

19 Vict. No. 10.

Books containing
records to be evi-
dence in Courts
of Justice, &c.

112 Every book in which orders and proceedings are entered under the provisions of this Act shall be received as *prima facie* evidence in all Courts, and before all Judges, Justices of the Peace and others, that such orders and proceedings were duly made and had; and the onus of proving that such orders and proceedings respectively were not duly made and had shall in all cases rest upon the defendant or the party disputing the validity thereof.

Power to award
costs.

113 In all proceedings whatever for the recovery of any rates or charges for the supply of water under this Act, and in all other proceedings before Justices in pursuance of this Act, it shall be lawful for the Justice or Justices in his or their discretion to award and order that the defendant shall pay such costs as to such Justice or Justices shall seem just and reasonable in that behalf; and in cases where such Justice or Justices, instead of making an Order as aforesaid, shall dismiss the information or complaint, it shall be lawful for him or them in his or their discretion to award or order to the defendant such costs as to such Justice or Justices shall seem just and reasonable, and the sums so allowed for costs shall in all cases be specified in the order or orders of dismissal as aforesaid, and the same shall be recoverable in the same manner and under the same Warrants as any penalty or sum of money adjudged to be paid in and by such Order is to be recoverable; and in cases where there is no such penalty or sum to be thereby recovered, then such costs shall be recoverable by distress and sale of goods and chattels of the party, and in default of such distress by imprisonment, with or without hard labour, for any time not exceeding One month, unless such costs shall be sooner paid.

Persons acting
under Act entitled
to notice of action,
&c.

114 No action shall lie against any person for anything done in pursuance of this Act unless notice in writing of such action and of the cause thereof is given to the defendant One month at least before the commencement of the action, and such action is commenced within Three months after the cause of action has accrued; and in any such action the defendant may plead the general issue, and give this Act and the special matter in evidence; and no plaintiff shall recover in any such action if tender of sufficient amends has been made before such action brought, or if a sufficient sum of money has been paid into Court

by or on behalf of the defendant after such action brought, together with the costs incurred up to that time; and if a verdict passes for the defendant, or if the plaintiff becomes non-suit or discontinues such action, or if upon demur or otherwise judgment is given against the plaintiff, the defendant shall recover his full costs as between attorney and client, and have the like remedy for recovering the same as any defendant has by Law in other cases; and though a verdict is given for the plaintiff in any such action, such plaintiff shall not have costs against the defendant unless the Judge before whom the case is tried certifies his approbation of the action and the verdict obtained thereupon.

(1.)

Commencing at the junction of Quamby Brook with the northern side of Lyttleton-street, thence along the northern side of Lyttleton-street to its junction with the western side of Ellen-street, thence along the western side of Ellen-street to a point thereon distant twenty chains from the northern side of the Main Road from Westbury to Launceston, thence by a line (crossing Ellen-street) and extending parallel with and at a distance throughout of twenty chains from the northern side of the Main Road aforesaid to the eastern side of a road known as Butcher's Lane leading from the Main Road aforesaid to M'Kiinnon's Bridge, thence along the eastern side of Butcher's Lane aforesaid to the Main Road aforesaid, thence by a line (crossing the Main Road aforesaid) extending along land occupied by or belonging to Noake to a point distant twenty chains from the southern side of the Main Road aforesaid, thence by a line parallel with and at a distance throughout of twenty chains from the southern side of the Main Road aforesaid to the eastern side of Nixon-street, thence along Nixon-street to its junction with Dexter-street, thence along Dexter-street to its junction with Jones-street, thence along Jones-street to its junction with Suburb Road, thence along Suburb Road to Quamby Brook, and thence by Quamby Brook to the point of commencement.

(2.)

TASMANIA } To *X.Y.* [a Collector of Water Rate for the District of Westbury, or
TO WIT. } some fit person].

WHEREAS complaint has been made before [me] a Justice of the Peace that *A.B.* of _____ has not paid the sum of _____ payable by him in respect of certain property situate [*describe property fully*] by virtue of the Water Rate for the Water District of Westbury, made on or about the _____ day of _____ 18____, although the same has been duly demanded of him : And whereas it appears to me upon the oath of [the said *X.Y.*] a Collector of Water Rate for the said Water District, that the said sum of _____ has been duly demanded by him from the said *A.B.* and that the said *A.B.* has failed to pay the same for the space of _____ days after such demand made and has not paid the same : And whereas the said *A.B.* having appeared before me in pursuance of a Summons issued by [me] for that purpose has not shown sufficient cause why the said sum of _____ should not be paid : [or And whereas it has been proved to me upon oath that the said *A.B.* has been summoned to appear before [me] or such other

Westbury and Hagley Water.

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Justice of the Peace as might now be here to show cause why the said sum of _____ should not be paid, and the said *A.B.* has neglected to appear according to such Summons, and has not shown any sufficient cause why the said sum of _____ should not be paid:] These are therefore to command you forthwith to make Distress of the Goods and Chattels of the said *A.B.* wheresoever the same may be found, and also of all Goods and Chattels found by you upon the said property to whomsoever the same may belong; and unless at any time within the space of [*Four*] days after such Distress by you made the said sum of £ _____ and the sum of £ _____ for costs, making together the sum of £ _____ together with all costs, charges, and expenses attending upon such Distress and Sale be paid to you that you cause the said Goods and Chattels so by you distrained to be sold, and out of the money arising by such sale that you detain the said sum of £ _____ and also all costs, charges, and expenses attending upon such Distress and Sale, rendering to the said *A.B.* or other person whose Goods and Chattels are so distrained by you, as the case may be, the overplus, if any, on demand [*in case the Warrant is directed to some other person than the Collector*, and the said sum of _____ you are hereby commanded to pay to (the said *X.Y.*) the said Collector of Water Rate:] and if no sufficient Distress can be made of the Goods and Chattels of the said *A.B.* or otherwise as aforesaid, that then you certify the same to me, together with this Warrant.

Given under my hand this

day of

18 .

*J.P.,**Justice of the Peace.*